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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/966,844   | 09/27/2001  | Norman Ken Ouchi     |                     | 4977             |
| 41212  | 7590        | 02/28/2006           | EXAMINER            |                  |
| NORMAN KEN OUCHI<br>P.O. BOX 20111<br>SAN JOSE, CA 95160 |             |                      | GRAYSAY, TAMARA L   |                  |
|  |             | ART UNIT             | PAPER NUMBER        | 3636             |
| DATE MAILED: 02/28/2006                                  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |                               |                     |
|---|-------------------------------|---------------------|
| <b>Notice of Non-Compliant<br/>Amendment (37 CFR 1.121)</b> | <b>Application No.</b>        | <b>Applicant(s)</b> |
|   | 09/966,844                    | OUCHI, NORMAN KEN   |
|   | Examiner<br>Tamara L. Graysay | Art Unit<br>3636    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 01 December 2005, supplemented on 20 December 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other See Continuation Sheet.
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_.
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_.
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: \_\_\_\_\_.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
  - See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

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Legal Instruments Examiner (LIE), if applicable

Telephone No.

Art Unit: 3636

**Continuation of I.A. and I.C. Amendments to the specification:**

In accordance with 37 CFR 1.121(b), amendments to the specification must be made by adding, deleting, or replacing a paragraph in the manner specified therein. The amendment filed 01 December 2005 fails to comply because of the following:

- ❖ On pages 1-2 of 8 (01 December 2005 reply) The amendments to sentences of the specification as proposed by applicant are not in compliance with 37 CFR 1.121(b) because the amendments are not in replacement paragraph format.
- ❖ On page 3 of 8 (01 December 2005 reply) The replacement section "Amended Brief Summary of the Invention" fails to comply with 37 CFR 1.121(b)(1)(i) which requires an instruction that unambiguously identifies the location to replace a paragraph with one or more replacement paragraphs. Further, the replacement paragraph fails to comply with 37 CFR 1.121(b)(1)(ii) because it lacks the required markings and it is unclear whether the heading is intended to be replaced.

**Continuation of 5. Other:**

In accordance with 37 CFR 1.121(h), each section of an amendment must begin on a separate sheet. The amendment to the specification section and the remarks section must begin on a separate sheet.

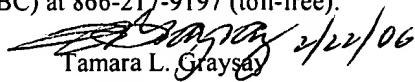
Applicant does not need to resubmit the amendment to the claims section or the amendment to the drawings section of the replies because those sections of the replies are in compliance with 37 CFR 1.121.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is 571-272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo, can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tamara L. Graysay  
Examiner  
Art Unit 3636